

## **MINUTES OF THE SOLID WASTE MANAGEMENT BOARD MEETING**

Indiana Government Center South  
402 West Washington Street  
Conference Center Room A – 1:30 p.m.  
Indianapolis, Indiana  
March 20, 2007

The meeting was called to order by Rick Dyer, Acting Chairperson, at 1:33 p.m. Those present for all or part of the meeting were:

- Mr. Michael Carnahan
- Mr. Mark Davis
- Mr. Kerry Stepter
- Dr. Lenore Tedesco
- Mr. Jason Ward
- Dr. Stephen Wintermeyer
- Mr. Steve Boyce (Proxy, Lieutenant Governor's Office)
- Mr. Howard Cundiff (Proxy, State Department of Health)
- Mr. Tom Hohman (Proxy, Department of Natural Resources)
- Ms. Pamela Fisher (Proxy, Indiana Economic Development Corporation)
- Ms. Deborah Albright, Board Counsel

A quorum was present.

In addition, the following IDEM staff members were present for all or part of the meeting:

- Mr. Bruce Palin, Assistant Commissioner
- Mr. Bruce Oertel, Chief, Remediation Branch
- Mr. Mike Dalton, Chief, Rules, Planning, and Outreach Section
- Mr. Steve Mojonier, Rules, Planning, and Outreach Section
- Ms. Lynn West, Rules, Planning, and Outreach Section
- Ms. Kiran Verma, Rules, Planning, and Outreach Section
- Ms. Bonnie Nash, Rules, Planning, and Outreach Section
- Ms. Marjorie Samuel, Rules, Planning, and Outreach Section
- Ms. Ann Long, Office of General Counsel

### **1. APPROVAL OF MINUTES**

Acting Chairperson Dyer asked for additions or corrections to the minutes of the Solid Waste Management Board meeting of January 16, 2007. There being none, Mr. Kerry Stepter moved that the minutes be approved as presented. Mr. Howard Cundiff seconded. The motion passed unanimously.

### **2. IDEM REPORTS**

Acting Chairperson Dyer then invited Mr. Bruce Palin, Assistant Commissioner, to address the Board. Mr. Palin updated the Board on revisions to the Underground Storage Tank Rules that had previously been continued. Mr. Palin said that those Underground Storage Tank Rules previously considered by the Solid Waste Management Board had been withdrawn. Discussions were held with the regulated community to get the perspectives from a variety of

sources, i.e., installers, owners, and operators. Mr. Palin said that the new first notice to replace the previous rulemaking contained three options; financial assurance, secondary containment, and a combination of both. Additional opportunity for public comment was being offered by the new first notice to achieve consensus regarding the new rulemaking. Mr. Palin then asked Lynn West to present an update on rules in progress.

Ms. West distributed the rules project list and mentioned the addition of two new rules to the list. These are readoption rules written to prevent specific language from expiring.

Acting Chairperson Dyar announced the following rulemaking actions:

- Preliminary Adoption of LSA #06-556, Amendments to Rules at 329 IAC 3.1, Concerning the Hazardous Waste Management Permit Program and Related Hazardous Waste Management, also known as the 2006 Hazardous Waste Annual Update Rule. The hearing, originally continued from the January 16, 2006 Solid Waste Management Board meeting, was noticed in the Indiana Register on December 6, 2006, at DIN: 20061206-IR-329060556PHA. The 2006 Hazardous Waste Annual Update Rule Findings and Determination of the Commissioner pursuant to IC 13-14-9-8 and the draft rule were published in the Indiana Register on December 6, 2006, at DIN: 20061206-IR-329060556FDA.
- Final Adoption of LSA #05-250, New Rules at 329 IAC 11.5, Concerning a Program to Remove Mercury Switches from End-of-Life Vehicles. The hearing was noticed in the Indiana Register on February 21, 2007, at DIN: 20070221-IR-329050250PHA. The proposed rule was published February 21, 2007, in the Indiana Register at DIN: 20070221-IR-329050250PRA.

Acting Chairperson Dyar said that the stated rules, all included in the Board packet, are available for public inspection in the Indiana Department of Environmental Management File Room, located on the 12<sup>th</sup> floor of the Indiana Government Center North, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m. Instructions were given to the public regarding offering oral statements and comments to the Board; the court reporter was affirmed.

### 3. PRELIMINARY ADOPTION AMENDMENTS TO 329 IAC 3.12006 HAZARDOUSWASTE ANNUAL UPDATE

Acting Chairperson Dyar announced that Amendments to 329 IAC 3.1, concerning the Hazardous Waste Management Permit Program and Related Hazardous Waste Management, also known as the 2006 Hazardous Waste Annual Update Rule would now be considered. He introduced Exhibit A, the draft rule into the record of the hearing. He then asked Mr. Steve Mojonniere to address the Board.

Mr. Mojonniere explained that the purpose of the rule was to adopt federal amendments to the program to make Indiana's hazardous waste management rules consistent with the federal hazardous waste program through July 28, 2006. He explained that there are seven changes to the hazardous waste management regulations in 40 CFR Parts 260 through 270 that were published by the U.S. EPA in the Federal Register between September 8, 2005, and July 28, 2006. He reviewed the major provisions for adoption and added that an obsolete provision was also proposed for removal. For a verbatim account of Mr. Mojonniere's remarks, please see pages 11 through 14 of the official transcript of this meeting.

Acting Chairperson asked for questions from the Board. There were none. Acting Chairperson Dyar asked for public comment, noting that there were no comment cards.

There were no comments or questions from the public. The hearing was then concluded. Acting Chairperson Dyar asked for a motion to preliminarily adopt the rule as presented. Mr. Howard Cundiff so moved and Dr. Stephen Wintermeyer seconded. The motion passed unanimously.

4. FINAL ADOPTION ADDITION OF NEW RULES AT 329 IAC 11.5 REMOVAL OF MERCURY SWITCHES FROM END-OF-LIFE VEHICLES

Acting Chairperson Dyar announced that the Addition of New Rules at 329 IAC 11.5, Concerning a Program to Remove Mercury Switches from End-of-Life Vehicles. He introduced Exhibit B, the proposed rule as preliminarily adopted, and Exhibit B1, IDEM's suggested changes, into the record of the hearing. He then asked Mr. Mojonnier to address the Board.

Mr. Mojonnier briefly described the purpose of the rule, which is to provide incentives for removing mercury switches from end-of-life vehicles as directed by House Enrolled Act 1110, Public Law 170-2006. The rule provides incentives in the form of payments to motor vehicle recyclers for the removal of mercury switches and switch assemblies as well as standards and procedures for receiving these payments. Mr. Mojonnier also reviewed some changes that were made to the rule to correct some areas of confusion and provide consistency. A new section was added to provide for vehicles received by motor vehicle recyclers that are too damaged to allow for removal of the mercury switches. Please see pages 17 through 20 for a verbatim account of Mr. Mojonnier's remarks.

Acting Chairperson asked for questions from the Board. There were none. Acting Chairperson Dyar asked for public comment. There were no comments or questions from the public. The hearing was then concluded.

Acting Chairperson Dyar asked for a motion to adopt Exhibit B1, IDEM's suggested changes. Dr. Lenore Tedesco so moved and Mr. Mark Davis seconded. The motion passed unanimously. Acting Chairperson Dyar then asked for a motion to final adopt the rule as amended. Mr. Davis so moved and Mr. Kerry Stepter seconded. The motion passed unanimously.

5. Acting Chairperson Dyar asked if there was anyone who wished to address the Board on topics of interest and potential rulemakings in Title 329. There were no public comments.

6. ADJOURNMENT

Acting Chairperson Dyar adjourned to meeting at 1:57 p.m.

The next meeting will be May 15, 2007, at 1:30 p.m., at the Indiana Government Center South, Conference Center Room A, 402 West Washington Street, Indianapolis, Indiana.

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